

SPECIAL LICENSE PLATE REVIEW BOARD

Regular Meeting of the Special License Plate Review Board
Thursday, November 6, 2003 - 10:00 AM to 1:00 PM
Highways Licenses Building, Department of Licensing
1125 Washington St SE
Olympia, WA 98507

Minutes

Present:

Board Members: Senator Mary Margaret Haugen, Senator Luke Esser, Representative Geoff Simpson, Representative Doug Ericksen, Dorothy Webster, Lynda Henriksen, Glenn Cramer,
Support Staff: Jennifer Dana
Legislative Staff: Diane Schwickerath, Reema Griffith, Kim Johnson
Guests: Pat Dunn, Hull, Patrick Halstead

Absent: none

I. CALL TO ORDER - Chair Dorothy Webster Called Meeting to Order at 10:17 A.M.

1. Introductions
2. Review and approve meeting agenda.

Moved, seconded and carried: to accept the agenda after moving Item 15 to before Item 1, with Item 9 after Item 15.

II. PROGRAM STATUS & IMPLEMENTATION

3. Travel and Compensation

Reimbursement of travel expenses and compensation

Diane Schwickerath explained that the board is designated as a class four board, which entitles reimbursement of travel expenses at the same rates and procedures as other state employees. Also, the members are entitled to compensation of \$100 per day for sanctioned activities, unless, on that day, Federal, state or local government agencies are paying the board member. During the interim, Legislative members are entitled to \$100 per day compensation, but during legislative session are not entitled to compensation, only travel expenses. Members who will receive compensation need to fill out the disbursed IRS W-9 form and return it to Diane Schwickerath.

Action: Diane will be checking with the Office of Financial Management on the procedures for compensation of the \$100 per day if a member was required to take an annual/vacation day.

Future Meetings

The next meeting should be scheduled prior to session starting, possibly the second week of January. If emergency meetings were called to review applications during session, the department's conference rooms would be convenient. The meetings after session should be planned in the Seattle area for the convenience of most members. Recommendations were made that the Port of Seattle or the fire station, which is located close by would be convenient for the members.

Motion:

Moved, seconded and carried: to accept the Chair Dorothy Webster's proposal that a vice chair be elected. If due to an unforeseen circumstance the chair was unable to arrive at the scheduled meeting, a vice chair would be needed. The board nominated and appointed, Senator Mary Margaret Haugen as vice chair.

4. Program staffing, progress, and accomplishments. (Jennifer Dana & Lynda Henriksen)

The program was funded through the budget bill to have Department of Licensing provide an administrative support person.

- The program was started on September 1 of this year.
- Draft application packets have been created. Once approved the packets will be made available on the board website.
- On October 3rd a Website page was developed containing:
 - Q&A regarding the board review process;
 - Board Contact information;
 - Application information; and
 - Meeting information.
- The web page will contain a copy of the minutes from each board meeting and future meetings.
- To date Jennifer has responded to over 70 email and phone inquiries regarding creating new plate series.
- Fourteen individual organizations or persons have contacted the department wishing to create a new plate series.
- Each of the fourteen organizations has received a "draft" application packet.
- At this point no organization has turned a completed packet, but Jennifer has been informed by four organizations that they are collecting signatures.
- A boilerplate contract is being drafted and will be completed by December 31.
- Boilerplate legislation for organizations is being drafted and will be completed by December 1.
- Jennifer is currently working on creating procedures for the refund of fees submitted if the application is rejected through the application process.

5. Create board rules

a. What additional criteria should be used?

Moved, seconded and carried: to accept the creation of board rules that would govern what the board would do.

Action: Get information on the recently adopt formal bi-laws, of the Transportation Committees. Send out the information before the next meeting, so the board can determine if they would like to adopt those at the next meeting. Kim and Reema indicated they could assist in this.

Action: The board will review the proposed WACs and discuss recommendations at the next board meeting. Any comments or ideas should be emailed to Jennifer Dana to compile. Research the Open Public Act to determine the board's the ability to have other types of voting. The board will set up some standards to be used for board rules to be reviewed at the next board meeting.

b. Set up quorum standard – (? Majority plus one?)

Moved, seconded and carried: to accept a quorum as "four" members.

6. Review proposed Washington Administrative Codes (WACs) for the program.

Tabled: The board will review the proposed WACs and email comments to Jennifer Dana to compile for review at the next meeting.

Discussion: The current specialty plates have a standard of numbers; there must be at least two consecutive letters that identify the plates. Add, "The plate numbers/letters cannot conflict with a current existing series."

Question: Is the software limiting to seven characters, the software would need to be amended to allow more than seven characters. The letters are included in the number/letter configuration.

7. Set up a standard of board ethics.

Tabled: combine under board rules to be reviewed at the next meeting.

8. Review the draft application packet.

The guests were asked if the process and application packet were easy to understand. Both Pat Dunn and Ben Hull expressed that the application packet and web page were helpful and provided easy to read information.

Does the new technology still limit the person to seven numbers and letters? The current license plate technology is self-limiting due to the size of the plates and the characters DOC can produce. WSP main concern is the legibility, even though with

the prior proposed flat plate technology the letters/numbers are smaller, the State Patrol can still clearly identify the plates. The reference to the seven numbers/letters should be kept in the description for now and if the programming and technology changes the rules can be amended at that time.

The signature sheets should be standardized so the forms do not get confusing and cause special retention requirements for space.

Action: Jennifer Dana needs to amend the application packet and signature sheet. The information sheet should specifically address that, "board approval does not guarantee enactment of the plate series". In addition, the signature sheet should include additional information of a phone number and email address.

9. Review application process.

A question was asked regarding whether an organization can obtain information from the website regarding the "status" of their application. No, currently organizations can obtain that information by contacting the program manager, Jennifer Dana. Contact information is easily available on the application packet or website.

Clarification was given on the refund process when the application does not get approval throughout the entire process; board review, legislative or governor.

The rejection letters sent to organizations should "specifically" address the reason why their application packet was denied.

Clarification was given on the process when an organization does not meet the sales and a minimal amount of plates sold. The legislation clearly states that the organization has two years to reimburse the state for implementation costs. In addition, the board has the authority to review individual organization plate sales after the two-year period is completed.

10. Board's Mission Statement?

Tabled: The members discussed possible ideas and would like to email their ideas to the board assistant to compile and have the ideas presented at the next meeting.

Action: The board members should get their mission thoughts to Jennifer prior to the next board meeting on January 8, 2004.

11. Pre-review of packets – would the board members like to review the organizations packets beforehand?

Yes, if all application packet information and agenda items were sent prior to the scheduled meeting, it would speed-up the process and helps to make the meetings shorter.

12. What would be acceptable to demonstrate the inability to pay all start-up costs – A letter of explanation?

Tabled.

13. If an organization reapplies in one-three years etc... do they need to resubmit a “new” application?

Moved, seconded, and carried: that if the application is rejected for technical things; financial statement, marketing strategy, plate design or a missing item, the board does not require a new signature sheet they can fix that technical deficiency within one-year from applying. If there is a significant change in the purpose they need to get new signatures.

14. Would the board like to have organizations present the information contained in the application packet – or have the DOL support staff person performs this duty?

Moved, seconded and carried such as: That the program manager will present the application packet to the board. Organizations are welcomed to attend the meeting to field any questions asked by the board. Special note that the organizations will be able to testify to the transportation committees once presented to legislature.

15. Board members terms – appointment letters did not address this.

Moved, seconded, carried: to have Representative Ericksen and Senator Esser, who volunteered, to have their terms be two years.

16. Press Release through DOL.

The Department of Licensing is waiting until the process is in place and until application packets have been submitted. The board did not have any additional information that they would like added to the press release. Draft up and send to board members prior to release.

III. ORGANIZATION PACKETS TO REVIEW

17. None to report

IV. QUESTIONS/CONCERNS ADDRESSED BY ORGANIZATIONS

18. Submitting original signature sheets – is it acceptable for organizations to submit photocopies?

Moved, seconded and carried: that organizations should submit "original", not "photocopies" of signature sheets and applications.

Action: Jennifer will check further on whether electronic signatures can be accepted on the signature sheets and consult with a staff attorney if needed.

Question: Do the plates need to be purchased by State residents? Yes, in order to be able to buy the special plate they must be a state resident who qualifies to register a vehicle. This is a pre-qualifier.

Action: Jennifer will recommend to organizations that they submit all originals, but maintain a photocopy of all their documents prior to submission to the board.

- 19. Issue: (Quote taken from an email) The Children's Trust Fund (CTF) is not a 501C(c) 3 organization but rather a 170(c) charity, which is a designation used by the IRS to identify a state or political subdivision of a state authorized to receive charitable contributions. (The state Attorney General's office has provided a legal opinion on this topic, clarifying that donations to the Children's Trust Fund of Washington are "charitable contributions" for IRS taxation purposes.) – Does this qualify them to apply as a non-profit organization? (Note: The WCPCAN does not have the statutory authority to sponsor a special plate.) ? Create a rule regarding this?**

Action: Reema Griffith and Kim Johnson will look into the 170 (c) and find out further qualifying information. Once that information is presented to the board it will be decided if they wish to amend the statute to allow a 170 (c).

- 20. Express authority for government bodies – is it acceptable to have express authority added to the draft legislation or should the organizations be required to have authority prior to the application process?**

Currently, the section of the statute, which requires a state agency to have express statutory authority, is a pre-qualification requirement. If an organization presents a bill directly to the Legislature, they would be allowed to add express statutory authority in the bill.

If an organization wishes to go through the board, they would need to present a bill giving them authority, and the following year go through the board. This would cause organizations to by-pass the board's review. Therefore, the board recommends that this section of law be amended to allow organizations to add this to the original bill submitted with the application or to remove the requirement.

Suggestions were made to have the state agency, or director give direct permission and not need statutory authority or strike the word statutory to have a plate series created.

Action: The statute for the board needs to be changed to not require state organizations to have prior “Express Authority” as a pre-qualifier for the creation of a special license plate series. The board will work with staff on making these amendments.

V. OPEN PUBLIC PRESENTATIONS/INPUT

21. None to report

VI. OPEN DISCUSSION

22.

Moved, seconded and carried that further information should be presented regarding the Open Public Meetings Act. If possible have a guest speaker or someone from the Attorney General's office talk on this subject.

Question: Is the process in California the same reviewing mechanism as the Special License Plate Review Board or do they go directly to the Legislature? We do not know, accept that they obtained 7500 signatures it appears that the process is different.

Action: Proposed changes to the legislation for “clean up”. Create an amendment of legislation, which allows special license plates to be personalized.

Action: Have a department staff attorney look at the recent court case in California. In addition, Kim Johnson should look into the case in Sacramento California to determine if this may have any effect on the board.

Question: Will multiple applications that are approved be combined and presented. No, this would violate the single subject rule. In addition, the bills are not an agency request. The organizations, department, legislative sponsor and Chairs of the Senate and House of Representatives Transportation Committees will be notified of approval or rejection.

Action: Jennifer Dana will be informing organizations that the draft bill needs to be presented by the legislative sponsor indicated on the application.

VII. NEXT MEETING

22. The next meeting will be held on January 8, 2004 at the Highways Licenses Building, Department of Licensing at 10:00 A.M. to 12:00 P.M.

VIII. ADJOURN - The meeting adjourned at 12:02 P.M.

Respectfully Submitted,
Jennifer Dana
Licensing Services Manager
Administrative Support to the Board

Dorothy Webster
Chair's Approval